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FM AMEMBASSY BANGKOK

TO RUEHC/SECSTATE WASHDC IMMEDIATE 7876

INFO RUEHZS/ASSOCIATION OF SOUTHEAST ASIAN NATIONS IMMEDIATE

RUEAIIA/CIA WASHINGTON DC IMMEDIATE

RUEABND/DEA HQS WASHINGTON DC IMMEDIATE

RUCNDT/USMISSION USUN NEW YORK IMMEDIATE 5446

RHEHNSC/NSC WASHINGTON DC IMMEDIATE

RUEAWJL/DEPT OF JUSTICE WASHINGTON DC IMMEDIATE

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SUBJECT: AMBASSADOR ENGAGES FOREIGN MINISTER KASIT AGAIN ON
VIKTOR BOUT EXTRADITION CASE

REF: BANGKOK 1998 (NOTAL)

Classified By: Deputy Chief of Mission James F. Entwistle, reasons 1.4
(b) and (d)

¶1. (C) During an August 13 telephone conversation with Foreign Minister Kasit Piromya, currently in Malaysia, the Ambassador stressed that the USG was disappointed and mystified by the August 11 Thai Lower Court ruling against the extradition of Russian arms trafficker Viktor Bout. The Ambassador told the Foreign Minister that we viewed the judge's characterization of the FARC as a legitimate political actor as legally incorrect. Furthermore, the ruling suggested that insurgent groups in southern Thailand could also be considered political in nature and that someone seeking to send them arms from a third country could not be extradited to Thailand.

¶2. (C) The Ambassador emphasized to Kasit that the judge's analysis of "dual criminality" was misguided and that it suggested that fugitives could not be extradited from Thailand unless a Thai court actually had jurisdiction over the alleged crime. At a time when the Thai government was pursuing extradition of fugitive former Prime Minister Thaksin Shinawatra, the judge's ruling subverted the RTG position in its own extradition effort.

¶3. (C) The Ambassador emphasized to Kasit that we expected that the Thai Attorney General would vigorously pursue the appeal of the ruling and that we expected that Bout would remain in detention during the appeal. The Ambassador also told Kasit that we sought assurances from the Thai government that the case would be afforded a comprehensive and meaningful appellate review, one that would be handled by serious, experienced judges.

¶4. (C) The Ambassador also highlighted to Kasit that the U.S. would view as helpful a RTG statement on the ruling that made clear its own disappointment with the judge's ruling and reiterated its commitment to the fight against international terrorism and to the law enforcement relationship with the U.S. Kasit replied that the RTG would have to consider carefully such a move, as it could result in the appearance of interference in the judicial system. The Ambassador highlighted to Kasit that in the U.S. the Executive Branch often makes public statements when there was disagreement with Judicial Branch decisions. A statement in the Bout case would surely not be different.

¶5. (C) The Ambassador also told Kasit that we were preparing a fact sheet about the FARC and would make it public. Kasit asked the Ambassador for a copy of the fact sheet once it was

ready for release.
JOHN